THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.10139 of 2007

Dated: 13-07-2007

Between:

Smt.Gunnampalli Gowri Mani and others.

..... PETITIONERS

AND

The Government of A.P., rep. by its Principal Secretary, Revenue Department, Hyderabad, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.10139 of 2007

ORDER:

The petitioners state that they have presented some documents for registration before the second respondent, but the latter is refusing to admit the same for registration on the basis of a Gazette Notification bearing No.360 dated 25.08.2000 issued under Section 22-A of the Registration Act, 1908, (for short 'the Act') as it then existed. They further state that the subject matter of the documents is not covered by the said G.O. and at any rate the registration cannot be withheld without stating any reasons.

During the course of hearing, the learned counsel for the petitioners submits that in pursuance of the interim orders passed by this Court on 24.05.2007 in W.P.M.P.No.12840 of 2007, the second respondent had registered the documents, but is not releasing them on the ground that the writ petition is pending.

On behalf of the respondents, a counter-affidavit is filed. It is stated that the lands in survey Nos.41 to 44 of Purushotha Puram Village are also covered by the said notification issued under Section 22-A of the Act. Reference is also made to the Act 19 of 2007 through

which a fresh provision incorporating Section 22-A of the Act was added.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

It is no doubt true that Section 22-A of the Act as it then existed was held to be *ultra vires* by this Court and the notifications issued thereunder were also set aside. However, in the recent past, Section 22-A of the Act with a different content was introduced through the Act 19 of 2007. Apart from providing various circumstances empowering the Registering Authority to refuse registration, the notifications issued under replaced Section 22-A of the Act are also revalidated. In that view of the matter, the entire issue needs to be examined afresh. However, in case the documents are already admitted to registration, they deserve to be released to the parties without prejudice to the rights of the Registering Authority to take such steps as are open to them in law. On the other hand, if the documents have not been registered as yet, the reasons for refusing registration must be communicated to the petitioners.

The writ petition is disposed of directing the respondents that:

(a) In case the documents presented by the petitioners are admitted to registration and the process is complete, they shall be released to the respective parties.

(b) In case the registration is incomplete for any reason, the further steps shall be taken and be

concluded within ten days from today. If the documents cannot be admitted to registration, the reasons shall be informed to the petitioners within that time.

There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

13th July, 2007

Note: Issue CC in three days.

B/o

ghn